

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID LEE ARMITAGE,

Defendant.

CR-15-85-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Amended Findings and Recommendations in this matter on December 6, 2019. (Doc. 50.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on December 4, 2019. (Doc. 48.) The United States accused Armitage of violating his conditions of supervised release by 1) failing to report for substance abuse treatment; 2) by failing to report for substance abuse testing; 3) by using methamphetamine; 4) by using marijuana; 5) by failing to report for substance abuse testing; and 6) by failing to notify his probation officer of a change in his living arrangements. (Doc. 45.)

At the revocation hearing, Armitage admitted to the all of the violations except violation 6. (Doc. 48.) The government did not attempt to prove alleged violation 6. Judge Johnston found that Armitage's violations warrant revocation, and recommended that Armitage be incarcerated for 3 months, with 21 months of supervised release to follow with the first 60 days of supervised release at an inpatient substance abuse treatment facility. (Doc. 50 at 4.) Armitage waived his appeal right and his right to allocute before the undersigned. (Doc. 48.)

The violations prove serious and warrant revocation of Armitage's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Amended Findings and Recommendations (Doc. 50) are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Defendant David Lee Armitage be incarcerated for a term of 3 months, with 21 months of supervised release to follow

with the first 60 days of supervised release at an inpatient substance abuse treatment facility.

DATED this 9th day of December, 2019.

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable. It is positioned above a horizontal line.

Brian Morris
United States District Court Judge

